

REMARKS/ARGUMENTS

Claims 1-80 were originally pending in the application. Claims 1-80 currently stand rejected as anticipated by U.S. Patent Publication No. 2003/0218469 to Brazell et al. (“Brazell”) or as obvious over Brazell in view of EPO Patent Application No. EPO 416162 to Chen (“Chen”); U.S. Patent Publication No. 2004/0205972 to Wu (“Wu”); U.S. Patent Publication No. 2004/0016058 to Gardiner et al. (“Gardiner”) or U.S. Patent No. 6,266,006 to Audet (“Audet”) collectively “the cited art.” By this amendment, claims 68 and 75 are amended and claim 81 is added. Therefore, claims 1-81 are now pending and at issue. Of these, claims 1, 14, 26, 35, 43, 52, 62, 68, and 75 are independent.

Applicants enclose a check in the amount of \$50.00 for the consideration of one claim over that which was originally paid for with the filing fees. Any additional fees may be charged to Deposit Account No. 13-2855 of Marshall, Gerstein & Borun LLP. A copy of this paper is enclosed herewith.

35 U.S.C. § 102 Rejections

Applicants respectfully traverse the rejection of claims 1, 5-8, 11-13, 26-28, 32-33, 43, 62 and 64-65 as anticipated by Brazell. Each of claims 1-13, 26-34, 43-51 and 62-67 recites *inter alia*, a stud finder with a connection structure for removably mounting a leveling device or a light generating device thereto, wherein the stud finder is operable when either the leveling device or the light generating device is mounted thereto. Brazell fails to disclose or suggest a stud finder with a connection structure for removably mounting a leveling device or a light generating device thereto, such that the stud finder is still operable when either the leveling device or the light generating device is mounted to the stud finder. While Brazell discloses an object sensor 10 and a storage case 300 having a level 20 disposed on the storage case 300, the object sensor 10 does not appear to include any connection structure whatsoever for mounting the object sensor 10 to the storage case 300. The projections 210 cited by the examiner are not on the object sensor 10, but rather are on a completely different portable tool 200 (paragraph [0094]) which is disclosed to be mounted on the storage case 300, not the object sensor 300.

Furthermore, if the storage case 300 were attached to the portable tool 200 via the projections 210 and the recesses 111, and the object sensor 10 was disposed within the

storage case 300, the object sensor 10 would be unusable. In particular, because the recesses 111 are positioned on the bottom surface 302 of the storage case 300 (paragraph [0094]), the portable tool 200 would prevent the object sensor 10 from being properly positioned on a surface because the portable tool 200 would be positioned between the object sensor 10 and the surface. Thus, the object sensor 10 is not operable either when disposed in the case 300 or when the tool 200 is attached to the bottom of the case 300. Because Brazell fails to disclose a stud finder with a connection structure for removably mounting a leveling device or a light generating device thereto, such that the stud finder is operable with the leveling device or the light generating device mounted thereto, as recited by each of claims 1-13, 26-34, 43-51 and 62-67, none of these claims can be anticipated by Brazell. Applicants therefore respectfully request withdrawal of the rejection of claims, 1, 5-8, 11-13, 26-28, 32-33, 43, 62 and 64-65.

35 U.S.C. § 103 Rejections

Applicants respectfully traverse the rejection of claims 2-4, 9-10, 29-31, 34, 44-51, 63 and 66-67 as obvious over Brazell in view of Brazell, Chen and Wu; claims 14-24 as obvious over Brazell in view of Wu; claim 25 as obvious over Brazell in view of Wu and Brazell; and claims 37-38 and 40 as obvious over Brazell in view of Brazell, Wu and Chen.

Applicants submit that Wu is not prior art under 35 U.S.C. § 102(e). Wu was published on October 21, 2004 and filed on November 12, 2003. The instant application was filed on July 1, 2003, over four months prior to the filing date of Wu. Therefore, Wu is not prior art under 35 U.S.C. § 102(e).

Because Wu does not qualify as prior art under 35 U.S.C. § 102(e), any rejection based in Wu is improper. Therefore, Applicants respectfully request withdrawal of the rejection of claims 2-4, 9-10, 14-25, 29-31, 34, 37-38, 40, 44-51, 63 and 66-67.

Applicants respectfully traverse the rejection of claims 35-36 and 39 as obvious over Brazell. Each of claims 35, 36 and 39 recites a structural detector having a surface that comprises a connection structure to receive and removably mount a light generating device or a leveling device thereto. As argued above, Brazell fails to disclose or suggest these elements. Because Brazell fails to disclose or suggest a structural detector having a surface that comprises a connection structure to receive and removably mount a light generating

device or a leveling device thereto, as is recited in each of claims 35, 36, and 39, none of these claims can be rendered obvious by Brazell. Applicants respectfully request withdrawal of the rejection of claims 35, 36, and 39.

Applicants respectfully traverse the rejection of claims 68-80 as obvious over Gardiner in view of Audet and Chen. Each of claims 68-80 now recites *inter alia*, a stud finder including a connection structure, a surface and a normally biased open switch protruding through the surface. The cited art fails to disclose a stud finder including a connection structure, a surface and a normally biased open switch protruding through the surface. Audet discloses an arrow finder including two substantially flat portions connected by a sloped transition region and a switch protruding through the handle portion of the device (col. 2, lines 25-33). The switch of Audet is a push button operator (col. 3, line 8) and is therefore not biased in any way let alone biased normally open. Because Audet fails to disclose a normally biased open switch as is recited in each of claims 68-80, none of claims 68-80 can be rendered obvious by Audet. Applicants respectfully request withdrawal of the rejection of claims 68-80.

Furthermore, claim 75 additionally recites that the normally biased open switch protrudes through a housing surface that is adapted to be disposed adjacent to a structural surface. The Audet device does not include a switch in such a location. In fact, the Audet device is not designed to be disposed adjacent to a structural surface of any sort and even if the Audet device were disposed adjacent to a structural surface, the switch of Audet would not be disposed on such a surface. Instead, the switch of Audet is disposed on the handle portion and the surface that would be disposed adjacent the structural surface is in the paddle portion because that is where the detection antenna is located. Therefore, the switch of Audet could not be protruding through a housing surface adapted to be disposed adjacent to a structural surface as is recited in each of claims 75-80. Because Audet fails to disclose a normally biased open switch that protrudes through a housing surface that is adapted to be disposed adjacent to a structural surface as is recited in each of claims 75-80, none of claims 75-80 can be rendered obvious by Audet. Applicants respectfully request withdrawal of the rejection of claims 75-80.

New Claim 81

New claim 81 recites *inter alia*, a normally open momentary switch. A momentary switch is a switch that switches contacts only while an external force is applied thereto. This new claim is supported in the specification as originally filed in paragraph [0056], lines 9-12 which describes a normally open momentary switch. No new matter has been added. Furthermore, none of the cited art discloses or suggests a normally open momentary switch.

Conclusion

For the foregoing reasons, Applicants respectfully request reconsideration and allowance of claims 1-81. If there are matters that can be discussed by telephone to further the prosecution of this application, Applicants respectfully request that the Examiner call its attorney at the number listed below. If there are any additional fees or refunds required, the Commissioner is directed to charge or debit Deposit Account No. 13-2855 of Marshall, Gerstein & Borun LLP. A copy of this paper is enclosed herewith.

Respectfully submitted,

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